

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - FLINT

GEORGE PETERSEN,
Plaintiff(s),

CASE NO.: 04-CV-60196-AA

vs.

HON. MARIANNE O. BATTANI
MAG. JUDGE WALLACE CAPEL, JR.

RIVERVIEW POLICE DEPARTMENT, et. al.,
Defendant(s).

**ORDER DENYING IN-PART PLAINTIFF'S MOTION
FOR LEAVE TO FILE AN AMENDED/SUPPLEMENTAL COMPLAINT
AND DISMISSING AS MOOT MOTION TO COMPEL SERVICE**

This matter is before the Court on the Plaintiff's Motion For Leave To File An Amended/Supplemental Complaint filed on October 21, 2005, and Plaintiff's Motion To Compel Service By The United States Marshal, also filed on October 21, 2005.

Having reviewed the proposed amended complaint, it appears that the *pro se* Plaintiff, George Petersen, is attempting to represent Audrey L. Farino as a plaintiff in this action. The Plaintiff in this matter has no standing to represent another individual in a civil matter. See Mercer v. Fayette Circuit Court, 52 F.3d 325 (6th. Cir. (Ky.) 1995) (unpublished) . A *pro se* plaintiff is limited to asserting alleged violations of his or her own constitutional rights and lacks standing to assert the constitutional rights of others. Newsome v Norris, 888 F.2d 371, 381 (6th. Cir. 1989). The *pro se* Plaintiff is limited to representing himself only. Ms. Farino, should she so desire, would be required to file her own civil action. The motion therefore to amend complaint is hereby **DENIED IN-PART**.

The Plaintiff shall be granted a period of **ten days** from receipt of this order to re-submit a proposed amended complaint on his behalf only. Further, the Plaintiff shall re-draft the complaint by eliminating material that is not pertinent to his allegations against the Defendant. The Plaintiff

complaint should indicate in a short, concise, and clear manner what his cause of action is against the Defendant. Upon receipt of the revised proposed amended complaint, the undersigned will then make a determination as to whether the proposed amended complaint should be accepted for filing.

The Plaintiff has also filed a Motion To Compel Service By The United States Marshal. Since the Plaintiff has already been permitted to proceed in forma pauperis, based upon an order entered on September 15, 2004, the motion to compel service is hereby **DISMISSED AS MOOT**.

IT IS SO ORDERED.

The parties are hereby informed that any objection to this order must be filed with the district court within ten days after service, pursuant to Rule 72(a), Federal Rules of Civil Procedure.

DATED: October 31, 2005

**s/ Wallace Capel, Jr.
WALLACE CAPEL, JR
UNITED STATES MAGISTRATE JUDGE**

CERTIFICATE OF SERVICE

I hereby certify that on **October 31, 2005**, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send electronic notification of such filing to the following: not applicable, and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participant(s): George Peterson, #237683, Chippewa Correctional Facility, 4387 W. M-80, Kincheloe, MI 49784.

**s/James P. Peltier
James P. Peltier
Courtroom Deputy Clerk
U.S. District Court
600 Church St.
Flint, MI 48502
810-341-7850**